

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

LARA BOLTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Nos.: 3:12-CR-101-TAV-HBG
UNITED STATES OF AMERICA,	)	3:15-CV-209-TAV
	)	
Respondent.	)	
	)	

**ORDER**

Before the Court now is the Report and Recommendation of Magistrate Judge H. Bruce Guyton, entered on July 19, 2018 [Doc. 854], which addresses an evidentiary hearing in relation to Petitioner's *pro se* motion [Docs. 735, 785] to vacate, set aside, or correct her sentence pursuant to 28 U.S.C. § 2255. In this Report, Judge Guyton recommends that the Court accept Petitioner's withdrawal of her claim<sup>1</sup> that counsel failed to file a direct appeal and dismiss this claim with prejudice. He also recommends that no certificate of appealability issue in this case, because the Petitioner has failed to make a substantial showing of a violation of a constitutional right with regard to her claims of the ineffective assistance of counsel.

The Court finds that the parties have made no timely objections to the Report and Recommendation, and sufficient time has passed from the filing of the Report to treat any

---

<sup>1</sup> The Court denied the remainder of the Petitioner's claims of ineffective assistance of counsel in a Memorandum and Order [Doc. 848] on June 14, 2018.

objections as waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). After a careful review of the matter, the Court agrees with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 854]. The Court accepts Petitioner Bolton's withdrawal of her remaining claim of ineffective assistance of counsel from her § 2255 motion and this claim is hereby **DISMISSED WITH PREJUDICE**. The Petitioner's motions [Docs. 851, 852] to withdraw this claim are **GRANTED**. The Court **CERTIFIES** that any appeal of the withdrawal of this claim or from the undersigned's Memorandum and Order of June 14, 2018, would not be taken in good faith and would be totally frivolous. Therefore, this Court **DENIES** any request by Petitioner to proceed *in forma pauperis* on appeal. *See* Fed. R. App. P. 24. Petitioner having failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability **SHALL NOT ISSUE**. 28 U.S.C. § 2253; Fed. R. App. P. 22(b). The Clerk of Court is **DIRECTED** to **CLOSE** case number 3:15-CV-209.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ John L. Medearis  
CLERK OF COURT